



7-7-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Kim

Serial No.: 10/686,997

Group Art Unit: 3611

Filed: 10/16/2003

Examiner: HOGE, Gary Chapman

For: METHOD AND SYSTEM FOR ORGANIZING SAMPLES

Attorney Docket No.: 3087.00012

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action dated June 7, 2005.

Restriction to one of the following patentably distinct species of the claimed invention was required under 35 USC §121:

- I. Figure 1; and
- II. Figure 4.

Applicant provisionally elects species I, Figure 1 for prosecution purposes, with traverse. Figure 1 relates to claims 1-20, previously elected on March 13, 2005. Applicant hereby conditionally withdraws Figure 4 from prosecution, without prejudice, and requests reconsideration of the restriction requirement.

Applicant traverses the restriction requirement based on the following grounds. It is respectfully submitted that the restriction requirement practice was established to promote efficiency of prosecution in the Patent Office. Both Figures 1 and 4 relate to an organizational system. Figure 1 shows an example of a container of the present invention used for the organization of samples, and Figure 4 shows an example of a systemic organization of a sample located in a scientific



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container in a numbered rack space, which is located in an alphanumerically assigned freezer space. It is respectfully submitted that examination of all of the species in a single application would be efficient, thereby promoting the grounds for the establishment of the restriction requirement practice. Hence, it is respectfully submitted that restriction should not be required and that Applicant has traversed the restriction requirement. However, as stated above, Applicant has elected Figure 1 of species I and provisionally withdrawn Figure 4, without prejudice, pending reconsideration of the restriction requirement.

The application is now in condition for allowance, which allowance is respectfully solicited.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

~~KOHN & ASSOCIATES, PLLC~~

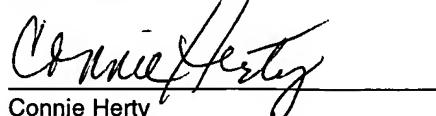

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Dated: July 6, 2005

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Connie Herty